

Fighting for Workers: Letter to Fourth District Constituents, October 24, 2008
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Dear Fourth District Residents:

Throughout my career in public office, I have been a strong supporter of the rights of working men and women to come together, form a labor union and bargain collectively for wages, health care benefits and retirement benefits – without fear of intimidation and abuses by employers. This is why I supported the Employee Free Choice Act (H.R. 800) when it passed the U.S. House with a bipartisan vote of 241-185 on March 1, 2007.

Under current law, employers are given the right to reject an employee petition designating a labor organization to represent them in collective bargaining. Employers may voluntarily recognize signed petitions presented by employees designating union representation, but, according to the Congressional Research Service (CRS), this rarely happens. Employers most often require an election to force employees to affirmatively vote for union representation (under current law all none voting employees are counted as “no” votes against union representation, a significant anti-democratic distinction from our public elections). Because many businesses are opposed to negotiating with unions, during the pre-election period “employers often hire anti-union consultants, terminate pro-union employees, and conduct captive-audience meetings where employees are exposed to employer’s views against representation,” according to testimony before Congress documented by CRS.

Employer intimidation and illegal acts have been confirmed by the U.S. House Committee on Education and Labor. According to the Committee’s website:

In a study of a more than 60-year period, the Human Resources Policy Association listed 113 NLRB cases which they claimed involved union deception and/or coercion in obtaining authorization card signatures. However, examination reveals that union misconduct was found in only 42 of those 113 claimed cases. In comparison, in 2005 alone, over 30,000 workers received back pay from employers that illegally fired or otherwise discriminated against them for their union activities.

The Employee Free Choice Act is a response to the epidemic of employer abuse of employees trying to exercise their right to collective bargaining. Under this legislation a union is certified by the National Labor Relations Board (NLRB) to represent workers in negotiations for better wages and benefits when a majority of employees voluntarily authorize a union to represent them in negotiations. Under this legislation coercion by employers and/or union organizers will continue to be illegal. This bill will encourage negotiations and allow for mediation and arbitration between employers and a union to reach labor agreements. The bill also imposes stronger penalties on employers who violate the rights of workers, including three times back pay to be awarded to employees illegally discharged or discriminated against during a union organizing campaign.

The role of labor unions in improving the lives of working Americans is undeniable. According to research conducted by the Center for Economic and Policy Research between 2003 and

2007, workers represented by unions, compared with non-union workers, were significantly higher. Low-wage workers (in the lowest 10 percentile of income) received 20.6% more in wages than similar non-union workers. Middle-income workers (50th percentile) earned 13.7% more than non-union workers. Among high-wage workers (the top 90th percentile), unionized employees received 6.1% more in wages than their non-union counterparts.

One supporter of the Employee Free Choice Act, former U.S. Secretary of Labor Robert Reich is quoted as saying, "America's rising economic tide has been lifting executive yachts but leaving most working people in leaky boats. Workers need more bargaining power. They should be allowed to form a union when a majority of them wants one – as simple as that."

Opponents of the Employee Free Choice Act want to make the public believe that unions are going to harass, intimidate and commit acts of violence in their attempt to organize working people and negotiate on their behalf for better wages and benefits. This is not only illogical it is completely contrary to the evidence, as the data above clearly indicates. In fact, employers operate right now in an environment in which the system is rigged in their favor against workers. The Employee Free Choice Act changes that and allows for protections for businesses and workers.

The right to organize is a fundamental American freedom. I will never stop defending the rights of Americans, especially during these tough economic times, to join together in order to improve their lives while their employers earn enormous salaries. Be assured I will continue to work tirelessly to make working families and the rights of organized labor a national priority.

Sincerely,

Betty McCollum
Member of Congress